



General Assembly

Substitute Bill No. 6604

January Session, 2003

***AN ACT CONCERNING MUNICIPAL REVENUE FROM VIOLATIONS
OF CERTAIN STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-148f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 Any person who violates any order of rent reduction or rent
4 suspension by demanding, accepting or receiving an amount in excess
5 thereof while such order remains in effect, and no appeal pursuant to
6 section 7-148e is pending, or violates any other provision of sections 7-
7 148b to 7-148e, inclusive, and section 47a-20, or who refuses to obey
8 any subpoena, order or decision of a commission pursuant thereto,
9 shall be fined not less than twenty-five dollars nor more than one
10 hundred dollars for each offense. If such offense continues for more
11 than five days, it shall constitute a new offense for each day it
12 continues to exist thereafter. The full amount of any fine collected
13 under this section shall be payable to the enforcing municipality.

14 Sec. 2. Subsection (a) of section 8-25 of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective July*
16 *1, 2003*):

17 (a) No subdivision of land shall be made until a plan for such
18 subdivision has been approved by the commission. Any person, firm
19 or corporation making any subdivision of land without the approval of

20 the commission shall be fined not more than five hundred dollars for
21 each lot sold or offered for sale or so subdivided. The full amount of
22 any fine collected under this section shall be payable to the enforcing
23 municipality. Any plan for subdivision shall, upon approval, or when
24 taken as approved by reason of the failure of the commission to act, be
25 filed or recorded by the applicant in the office of the town clerk within
26 ninety days of the expiration of the appeal period under section 8-8, or
27 in the case of an appeal, within ninety days of the termination of such
28 appeal by dismissal, withdrawal or judgment in favor of the applicant
29 but, if it is a plan for subdivision wholly or partially within a district, it
30 shall be filed in the offices of both the district clerk and the town clerk,
31 and any plan not so filed or recorded within the prescribed time shall
32 become null and void, except that the commission may extend the time
33 for such filing for two additional periods of ninety days and the plan
34 shall remain valid until the expiration of such extended time. All such
35 plans shall be delivered to the applicant for filing or recording not
36 more than thirty days after the time for taking an appeal from the
37 action of the commission has elapsed or not more than thirty days after
38 the date that plans modified in accordance with the commission's
39 approval and that comply with section 7-31 are delivered to the
40 commission, whichever is later, and in the event of an appeal, not more
41 than thirty days after the termination of such appeal by dismissal,
42 withdrawal or judgment in favor of the applicant or not more than
43 thirty days after the date that plans modified in accordance with the
44 commission's approval and that comply with section 7-31 are delivered
45 to the commission, whichever is later. No such plan shall be recorded
46 or filed by the town clerk or district clerk or other officer authorized to
47 record or file plans until its approval has been endorsed thereon by the
48 chairman or secretary of the commission, and the filing or recording of
49 a subdivision plan without such approval shall be void. Before
50 exercising the powers granted in this section, the commission shall
51 adopt regulations covering the subdivision of land. No such
52 regulations shall become effective until after a public hearing, notice of
53 the time, place and purpose of which shall be given by publication in a
54 newspaper of general circulation in the municipality at least twice, at

55 intervals of not less than two days, the first not more than fifteen days
56 nor less than ten days, and the last not less than two days prior to the
57 date of such hearing. Such regulations shall provide that the land to be
58 subdivided shall be of such character that it can be used for building
59 purposes without danger to health or the public safety, that proper
60 provision shall be made for water, sewerage and drainage, including
61 the upgrading of any downstream ditch, culvert or other drainage
62 structure which, through the introduction of additional drainage due
63 to such subdivision, becomes undersized and creates the potential for
64 flooding on a state highway, and, in areas contiguous to brooks, rivers
65 or other bodies of water subject to flooding, including tidal flooding,
66 that proper provision shall be made for protective flood control
67 measures and that the proposed streets are in harmony with existing
68 or proposed principal thoroughfares shown in the plan of conservation
69 and development as described in section 8-23, especially in regard to
70 safe intersections with such thoroughfares, and so arranged and of
71 such width, as to provide an adequate and convenient system for
72 present and prospective traffic needs. Such regulations shall also
73 provide that the commission may require the provision of open spaces,
74 parks and playgrounds when, and in places, deemed proper by the
75 planning commission, which open spaces, parks and playgrounds
76 shall be shown on the subdivision plan. Such regulations may, with
77 the approval of the commission, authorize the applicant to pay a fee to
78 the municipality or pay a fee to the municipality and transfer land to
79 the municipality in lieu of any requirement to provide open spaces.
80 Such payment or combination of payment and the fair market value of
81 land transferred shall be equal to not more than ten per cent of the fair
82 market value of the land to be subdivided prior to the approval of the
83 subdivision. The fair market value shall be determined by an appraiser
84 jointly selected by the commission and the applicant. A fraction of
85 such payment the numerator of which is one and the denominator of
86 which is the number of approved parcels in the subdivision shall be
87 made at the time of the sale of each approved parcel of land in the
88 subdivision and placed in a fund in accordance with the provisions of
89 section 8-25b. The open space requirements of this section shall not

90 apply if the transfer of all land in a subdivision of less than five parcels
91 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
92 uncle or first cousin for no consideration, or if the subdivision is to
93 contain affordable housing, as defined in section 8-39a, equal to twenty
94 per cent or more of the total housing to be constructed in such
95 subdivision. Such regulations, on and after July 1, 1985, shall provide
96 that proper provision be made for soil erosion and sediment control
97 pursuant to section 22a-329. Such regulations shall not impose
98 conditions and requirements on manufactured homes having as their
99 narrowest dimension twenty-two feet or more and built in accordance
100 with federal manufactured home construction and safety standards or
101 on lots containing such manufactured homes which are substantially
102 different from conditions and requirements imposed on single-family
103 dwellings and lots containing single-family dwellings. Such
104 regulations shall not impose conditions and requirements on
105 developments to be occupied by manufactured homes having as their
106 narrowest dimension twenty-two feet or more and built in accordance
107 with federal manufactured home construction and safety standards
108 which are substantially different from conditions and requirements
109 imposed on multifamily dwellings, lots containing multifamily
110 dwellings, cluster developments or planned unit developments. The
111 commission may also prescribe the extent to which and the manner in
112 which streets shall be graded and improved and public utilities and
113 services provided and, in lieu of the completion of such work and
114 installations previous to the final approval of a plan, the commission
115 may accept a bond in an amount and with surety and conditions
116 satisfactory to it securing to the municipality the actual construction,
117 maintenance and installation of such improvements and utilities
118 within a period specified in the bond. Such regulations may provide,
119 in lieu of the completion of the work and installations above referred
120 to, previous to the final approval of a plan, for an assessment or other
121 method whereby the municipality is put in an assured position to do
122 such work and make such installations at the expense of the owners of
123 the property within the subdivision. Such regulations may provide
124 that in lieu of either the completion of the work or the furnishing of a

125 bond as provided in this section, the commission may authorize the
126 filing of a plan with a conditional approval endorsed thereon. Such
127 approval shall be conditioned on (1) the actual construction,
128 maintenance and installation of any improvements or utilities
129 prescribed by the commission, or (2) the provision of a bond as
130 provided in this section. Upon the occurrence of either of such events,
131 the commission shall cause a final approval to be endorsed thereon in
132 the manner provided by this section. Any such conditional approval
133 shall lapse five years from the date it is granted, provided the
134 applicant may apply for and the commission may, in its discretion,
135 grant a renewal of such conditional approval for an additional period
136 of five years at the end of any five-year period, except that the
137 commission may, by regulation, provide for a shorter period of
138 conditional approval or renewal of such approval. Any person, firm or
139 corporation who, prior to such final approval, sells or offers for sale
140 any lot subdivided pursuant to a conditional approval shall be fined
141 not more than five hundred dollars for each lot sold or offered for sale.

142 Sec. 3. Section 10-194 of the general statutes is repealed and the
143 following is substituted in lieu thereof (*Effective from passage*):

144 Any person, whether acting for himself or herself or as agent for
145 another, who employs any minor under the age of eighteen years at
146 any occupation described in subsection (a) of section 10-193 without
147 having obtained a certificate as provided therein shall be fined not
148 more than one hundred dollars. The full amount of any fine collected
149 under this section shall be payable to the enforcing municipality.

150 Sec. 4. Section 10-197 of the general statutes is repealed and the
151 following is substituted in lieu thereof (*Effective from passage*):

152 Any person who employs a child under fourteen years of age
153 during the hours while the school which such child should attend is in
154 session, and any person who authorizes or permits on premises under
155 his or her control any such child to be so employed, shall be fined not
156 more than twenty dollars for each week in which such child is so

157 employed. The full amount of any fine collected under this section
158 shall be payable to the enforcing municipality.

159 Sec. 5. Section 10-185 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective July 1, 2003*):

161 Each day's failure on the part of a person to comply with any
162 provision of section 10-184 shall be a distinct offense, punishable by a
163 fine not exceeding twenty-five dollars. Said penalty shall not be
164 incurred when it appears that the child is destitute of clothing suitable
165 for attending school and the parent or person having control of such
166 child is unable to provide such clothing. All offenses concerning the
167 same child shall be charged in separate counts in one complaint. When
168 a complaint contains more than one count, the court may give sentence
169 on one or more counts and suspend sentence on the remaining counts.
170 If, at the end of twelve weeks from the date of the sentence, it appears
171 that the child concerned has attended school regularly during that
172 time, judgment on such remaining counts shall not be executed. The
173 full amount of any fine collected under this section shall be payable to
174 the enforcing municipality.

175 Sec. 6. Section 21-30 of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective July 1, 2003*):

177 No town, city or borough shall require a license fee from any
178 resident of this state who has resided within the state for a period of
179 two years next preceding the date of application for such license and
180 who is a veteran who served in time of war, as defined by section 27-
181 103, for the privilege of buying, selling or vending goods, wares or
182 merchandise within its limits; provided lapel pins, buttons, flowers,
183 small flags and similar novelties and books and magazines shall not be
184 construed to be goods, wares or merchandise within the meaning of
185 this section. Each such town, city or borough may defer issuance of
186 such license for a period not to exceed seven days for the purpose of
187 investigation. Each such veteran engaged in any of said occupations
188 shall produce his discharge, certificate of honorable discharge from the

189 service or a copy thereof certified by the town clerk from the records of
190 the town where such discharge or certificate of discharge is recorded
191 as provided in section 12-93, for inspection, together with a certificate
192 from the town clerk that the applicant is a resident of the state, upon
193 the demand of any proper officer of any town, city or borough in
194 which he is pursuing any of said occupations and, if he fails to do so,
195 he shall not be entitled to any privilege under this section. Any person
196 who makes a false representation for the purpose of availing himself of
197 the privilege of this section shall be fined not more than twenty-five
198 dollars. The full amount of any fine collected under this section shall
199 be payable to the enforcing town, city or borough.

200 Sec. 7. Section 21-38 of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2003*):

202 Any person who engages in the business of a peddler or hawker
203 without complying with the provisions of any such ordinance shall be
204 fined not more than one hundred ninety-nine dollars. The full amount
205 of any fine collected under this section shall be payable to the
206 enforcing municipality.

207 Sec. 8. Subsection (f) of section 21-100 of the general statutes is
208 repealed and the following is substituted in lieu thereof (*Effective July*
209 *1, 2003*):

210 (f) Any person who violates any provision of this section shall be
211 fined not more than one thousand dollars. The full amount of any fine
212 collected under this section shall be payable to the enforcing
213 municipality.

214 Sec. 9. Subsection (a) of section 22-332 of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective July*
216 *1, 2003*):

217 (a) The Chief Animal Control Officer, any animal control officer or
218 any municipal animal control officer shall be responsible for the
219 enforcement of this chapter and shall make diligent search and inquiry

220 for any violation of any of its provisions. The full amount of any fine
221 collected under this section shall be payable to the enforcing
222 municipality. Any such officer may take into custody (1) any dog
223 found roaming in violation of the provisions of section 22-364, (2) any
224 dog not having a tag or plate on a collar about its neck or on a harness
225 on its body as provided by law or which is not confined or controlled
226 in accordance with the provisions of any order or regulation relating to
227 rabies issued by the commissioner in accordance with the provisions of
228 this chapter, or (3) any dog found injured on any highway, neglected,
229 abandoned or cruelly treated. The officer shall impound such dog at
230 the pound serving the town where the dog is taken unless, in the
231 opinion of a licensed veterinarian, the dog is so injured or diseased
232 that it should be destroyed immediately, in which case the municipal
233 animal control officer of such town may cause the dog to be mercifully
234 killed by a licensed veterinarian or disposed of as the State
235 Veterinarian may direct. The municipal animal control officer shall
236 immediately notify the owner or keeper of any dog so taken, if known,
237 of its impoundment. Such officer shall immediately notify the owner
238 or keeper of any other animal which is taken into custody, if such
239 owner or keeper is known. If the owner or keeper of any such dog or
240 other animal is unknown, the officer shall immediately tag or employ
241 such other suitable means of identification of the dog or other animal
242 as may be approved by the Chief Animal Control Officer and shall
243 promptly cause a description of such dog or other animal to be
244 published once in the lost and found column of a newspaper having a
245 circulation in such town.

246 Sec. 10. Subsection (b) of section 31-53 of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective July*
248 *1, 2003*):

249 (b) Any person who knowingly or wilfully employs any mechanic,
250 laborer or workman in the construction, remodeling, refinishing,
251 refurbishing, rehabilitation, alteration or repair of any public works
252 project for or on behalf of the state or any of its agents, or any political
253 subdivision of the state or any of its agents, at a rate of wage on an

254 hourly basis which is less than the rate customary or prevailing for the
255 same work in the same trade or occupation in the town in which such
256 public works project is being constructed, remodeled, refinished,
257 refurbished, rehabilitated, altered or repaired, or who fails to pay the
258 amount of payment or contributions paid or payable on behalf of each
259 such employee to any employee welfare fund, or in lieu thereof to the
260 employee, as provided by subsection (a) of this section, shall be fined
261 not less than two thousand five hundred dollars but not more than five
262 thousand dollars for each offense and (1) for the first violation, shall be
263 disqualified from bidding on contracts with the state or any political
264 subdivision until the contractor or subcontractor has made full
265 restitution of the back wages owed to such persons and for an
266 additional six months thereafter, and (2) for subsequent violations,
267 shall be disqualified from bidding on contracts with the state or any
268 political subdivision until the contractor or subcontractor has made
269 full restitution of the back wages owed to such persons and for not less
270 than an additional two years thereafter. The full amount of any fine
271 collected under this section shall be payable to the enforcing
272 municipality. In addition, if it is found by the contracting officer
273 representing the state or political subdivision thereof that any
274 mechanic, laborer or workman employed by the contractor or any
275 subcontractor directly on the site for the work covered by the contract
276 has been or is being paid a rate of wages less than the rate of wages
277 required by the contract to be paid as required by this section, the state
278 or contracting political subdivision thereof may (A) by written notice
279 to the contractor, terminate such contractor's right to proceed with the
280 work or such part of the work as to which there has been a failure to
281 pay said required wages and to prosecute the work to completion by
282 contract or otherwise, and the contractor and his sureties shall be liable
283 to the state or the contracting political subdivision for any excess costs
284 occasioned the state or the contracting political subdivision thereby, or
285 (B) withhold payment of money to the contractor or subcontractor. The
286 contracting department of the state or the political subdivision thereof
287 shall within two days after taking such action notify the Labor
288 Commissioner in writing of the name of the contractor or

289 subcontractor, the project involved, the location of the work, the
290 violations involved, the date the contract was terminated, and steps
291 taken to collect the required wages.

292 Sec. 11. Section 7-395 of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective July 1, 2003*):

294 (a) The secretary shall review each audit report filed with said
295 secretary as provided in section 7-393, except said secretary shall
296 review the audit reports on each audited agency biennially and may
297 review the audit reports on any municipality or regional school district
298 biennially, provided such secretary shall, in any year in which he does
299 not review the report of any such municipality or regional school
300 district, review the comments and recommendations of the
301 independent auditor who made such audit. If, upon such review of the
302 audit report, evidence of fraud or embezzlement is found, he shall
303 report such information to the state's attorney for the judicial district in
304 which such municipality, regional school district or audited agency is
305 located. If, in the review of such audit report said secretary finds that
306 such audit has not been prepared in compliance with the provisions of
307 subsection (a) of section 7-394a, or said secretary finds evidence of any
308 unsound or irregular financial practice in relation to commonly
309 accepted standards in municipal finance, said secretary shall prepare a
310 report concerning such finding, including necessary details for proper
311 evaluation of such finding and recommendations for corrective action
312 and shall refer such report to the Municipal Finance Advisory
313 Commission established under section 7-394b. A copy of such report
314 shall be filed with: (1) The chief executive officer of such municipality
315 or audited agency or the superintendent of such school district and, in
316 the case of a town, city or borough, with the clerk of such town, city or
317 borough; and (2) the Auditors of Public Accounts.

318 (b) For the fiscal year commencing July 1, 2003, and for each fiscal
319 year thereafter, the secretary shall submit a report to the joint standing
320 committees of the General Assembly having cognizance of matters
321 relating to planning and development and finance, revenue and

322 bonding on the effect on municipal financial conditions of retention by
 323 municipalities of fines for violations of any general statute along with
 324 recommendations for legislation, if any.

325 Sec. 12. Section 51-56a of the general statutes is repealed and the
 326 following is substituted in lieu thereof (*Effective July 1, 2003*):

327 (a) Each clerk of the Supreme Court and Superior Court shall
 328 account for and pay or deposit all fees, fines, forfeitures and the
 329 proceeds of judgments of his office in the manner provided by section
 330 4-32. If any such clerk fails to so account and pay or deposit, such
 331 failure shall be reported by the Treasurer to the Chief Court
 332 Administrator who may thereupon remove the clerk. When any such
 333 clerk dies before so accounting and paying or depositing, the Treasurer
 334 shall require the executor of his will or administrator of his estate to so
 335 account. If any such clerk is removed from office, the Treasurer shall
 336 require him to account for any money of the state remaining in his
 337 hands at the time of such removal and, if he neglects to so account, the
 338 Treasurer shall certify the neglect to the Chief Court Administrator.

339 (b) The state shall remit to the municipalities in which the violations
 340 occurred (1) all amounts received in respect to the violation of
 341 [sections] section 7-148f, as amended by this act, subsection (a) of
 342 section 8-25, as amended by this act, subsection (c) of section 9-236, as
 343 amended by this act, section 10-194, as amended by this act, section 10-
 344 197, as amended by this act, sections 10-185, 14-251, 14-252, 14-253a,
 345 [and] 14-305 to 14-308, inclusive, section 21-30, as amended by this act,
 346 section 21-38, as amended by this act, subsection (f) of section 21-100,
 347 subsection (a) of section 22-332, and subsection (b) of section 31-53 or
 348 any regulation or ordinance made in accordance therewith, and (2) any
 349 sum paid by each person as a fine or forfeiture for any violation of
 350 sections 9-236, 14-149, 14-149a, 19a-206, 19a-230, 21-47, 29-254a, 29-295,
 351 29-306, 29-307a, 29-328, 29-414, 43-9 and 47a-55. Each clerk of the
 352 Superior Court or the Chief Court Administrator, or any other official
 353 of the Superior Court designated by the Chief Court Administrator,
 354 shall, on or before the thirtieth day of January, April, July and October

355 in each year, certify to the Comptroller the amount due for the
 356 previous quarter under this subsection to each municipality served by
 357 his office, provided prior to the institution of court proceedings, a city,
 358 town or borough shall have the authority to collect and retain all
 359 proceeds from parking violations committed within the jurisdiction of
 360 such city, town or borough.

361 (c) For the purpose of providing additional funds for municipal and
 362 state police training, each person who pays in any sum as (1) a fine or
 363 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-
 364 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, or (2) a fine or
 365 forfeiture for any infraction, shall pay an additional fee of one dollar
 366 for each eight dollars or fraction thereof of the amount he is required to
 367 pay, except if such payment is made for violation of such a section
 368 which is deemed to be an infraction, such additional fee shall be only
 369 on the first eighty-eight dollars of such fine or forfeiture. Such
 370 additional fee charged shall be deposited in the General Fund.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>

Statement of Legislative Commissioners:

Sections that provided for imprisonment were deleted and section 12 was added for consistency with the intent of the bill.

PD *Joint Favorable Subst.*

